

HARRIS
36125-111802



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***NOVEMBER 18, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call. (Council Member Dowe was absent.)

The Invocation was delivered by The Reverend Earl Robertson, Pastor, Roanoke First Church of the Nazarene.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, November 21, 2002, at 7:00 p.m., and Saturday, November 23, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Shining Star Awards were presented to the Roanoke Valley Mopar Club and Ms. Janine Palma M. VanDenBerg.

File #80

Proclamation declaring the week of November 24 - 30, 2002, as Roanoke Family Week.

File #3

Presentation by The Roanoke Dazzle. Joe Preseren, Team President; Kent Davison, Head Coach; and DAZZ, Mascot.

File #388

3. CONSENT AGENDA

(APPROVED 6-0)

(Item C-8 was withdrawn from the Consent Agenda)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of City Council held on Monday, October 3, 2002, and recessed until Sunday, October 6, 2002.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #110-132

- C-3 A communication from Council Member William H. Carder requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #80-132

- C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #2-104-132-166

- C-5 A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #83-132

- C-6 A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence by Council in the reappointment of Linda H. Bannister as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005.

RECOMMENDED ACTION: Concur in the request.

File #110-335

- C-7 A communication from Christine Proffitt tendering her resignation as a member of the Roanoke Neighborhood Partnership Steering Committee.

RECOMMENDED ACTION: Accept the resignation and receive and file communication.

File #110-488

- C-8 A communication from David Davis tendering his resignation as a member of the Special Events Committee.

RECOMMENDED ACTION: Accept the resignation and receive and file communication.

Withdrawn.

- C-9 An oral request of the City Manager that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #2-104-132-166

- C-10 An oral request of the City Manager that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #2-104-132-166

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending execution of a lease agreement with the Department of Historic Resources for office space at Buena Vista Recreation Center, for a term retroactive to March 2002.

Adopted Ordinance No. 36125-111802. (6-0.)
File #67-216-373

2. A communication recommending execution of a contract with the Virginia Department of Emergency Management to participate in a Regional Hazardous Materials Response Team, for a two-year term ending June 30, 2004.

Adopted Budget Ordinance No. 36126-111802 and Resolution No. 36127-111802. (6-0.)
File #60-188

3. A communication recommending execution of an agreement with Lawrence Reid Bechtel, d/b/a Heady Stuff Studio, to develop and create a statue memorializing fallen law enforcement officers to be located in front of the Police Department, 348 West Campbell Avenue.

Adopted Resolution No. 36128-111802. (6-0.)
File #5

4. A communication recommending the use of competitive negotiation as the method to secure vendors to secure a company to develop City-owned property along Gainsboro Road, N. W.

Adopted Resolution No. 36129-111802. (6-0.)
File #166-178-432

5. A communication recommending rejection of all bids received in connection with five side loading refuse cabs and chassis and five one-armed bandit bodies.

Adopted Resolution No. 36130-111802. (6-0.)
File #144-472

Council Member Wyatt requested the dollar amount expended to date for solid waste collection.
File #60-144

6. A communication recommending appropriation of \$483,336.00 in connection with the Fifth District Employment and Training Consortium - Workforce Investment Act.

Adopted Budget Ordinance No. 36131-111802. (6-0.)
File #60-246

7. A communication recommending transfer of \$60,000.00 in connection with design services for streetscape improvements to Salem Avenue, S. W.

Adopted Budget Ordinance No. 36132-111802. (6-0.)
File #57-60-227

8. A communication recommending amendment to the lease agreement with Blue Eagle Partnership for use of office space for human service agencies at 1502 Williamson Road, N. W.

Adopted Ordinance No. 36133-111802. (6-0.)
File #72-373

9. A communication recommending amendment to the Rental Certificate of Compliance Program.

Adopted Ordinance No. 36134-111802. (6-0.)
File #24-402

10. A communication recommending acceptance of a donation from the Garden City Recreation Club in connection with construction of a shelter in Garden City Park.

Adopted Resolution No. 36135-111802. (6-0.)
File #67-68

7. REPORTS OF COMMITTEES:

- a. A report of the Legislative Committee transmitting the proposed 2003 Legislative Program. Council Member William H. Carder, Chair.

Adopted Resolution No. 36136-111802. (6-0.)
File #110-137

- b. A communication from the Roanoke City School Board requesting appropriation of \$856,000.00 for school instructional technology funds; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Budget Ordinance No. 36137-111802. (6-0.)
File #60-467

- c. A communication from the Roanoke City School Board requesting approval of a State Literary Fund loan application for improvements to Lincoln Terrace Elementary School, in the amount of \$1.3 million. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Resolution Nos. 36138-111802 and 36139-111802. (6-0.)
File #467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Cutler announced a Pre Disaster Mitigation and Remediation Conference and Workshop to be held on November 21-22, 2002, at The Hotel Roanoke, to be sponsored by The Cabell Brand Center, the Virginia Housing Development Network and Shenandoah Valley Project Impact, to provide information on water shed management opportunities.

File #468

At the suggestion of Vice-Mayor Harris and concurred in by Council, the matter of a cost-of-living adjustment for City retirees was referred to 2003-04 budget study.

File #60-429

In view of the revenue shortfall, when preparing the budget for fiscal year 2003-04, Council Member Wyatt requested that the City Manager consider all options, including service reductions, in lieu of laying off City employees.

File #60-184

Council Member Carder referred to communications from residents of Brandon Oaks retirement community in regard to speeding on Brandon Avenue, S. W., and requested that the City Manager review arterial streets, including Brandon Avenue, with regard to potential traffic calming measures.

File #20-514

Council Member Carder commended the work of Civic Center staff and traffic calming measures at the Roanoke Civic Center.

File #20-192

Council Member Bestpitch requested that the City Manager submit a recommendation to Council at its meeting on Monday, December 2, 2002, with regard to holiday leave for City employees. File #184

The Mayor extended an invitation to the Members of Council and citizens to attend a ceremony dedicating a historic plaque at the Mill Mountain Star, on Wednesday, November 27, 2002, at 12:00 noon. File #67-80-216

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

The City Manager called upon the Director of Utilities for a briefing on the water level at the Carvins Cove Reservoir; whereupon, Michael McEvoy advised that as of November 18, Carvins Cove was at 25.2' below the spillway, which is approximately nine feet from the lowest point beginning in mid October. File #468

The City Manager advised that the City does not intend to lift full mandatory water restrictions until the Carvins Cove Reservoir reaches 22' below spillway and voluntary conservation will be in effect until the reservoir reaches 15'. She further advised that while the City has experienced substantial rainfall and the Governor has lifted state restrictions, the City of Roanoke, as a community, should continue to conserve water. File #468

The City Manager commended City staff on traffic management in and around the Roanoke Civic Center.

File #20-192

The City Manager advised that the City of Roanoke is 18 tons short of reaching its 300 ton per month goal for recyclables, at which point the City would pay no acceptance fees to its recycling vendor. She stated that the majority of paper products that have not been exposed to food waste can be recycled, and encouraged citizens to recycle holiday wrapping paper, with the exception of foil paper.

File #282

THE MEETING WAS DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN CITY COUNCIL'S CONFERENCE ROOM FOR A BRIEFING ON RELOCATION OF UTILITIES OVERHEAD TO UNDERGROUND.

FOLLOWING THE ABOVEREFERENCED BRIEFING, THE COUNCIL MEETING WAS DECLARED IN RECESS FOR ONE CLOSED SESSION.

THE COUNCIL MEETING RECONVENED AT 5:10 P.M. IN ROOM 159, FOR A JOINT MEETING OF CITY COUNCIL AND THE ROANOKE ARTS COMMISSION.



***CITY COUNCIL/ROANOKE ARTS COMMISSION
JOINT MEETING***

***NOVEMBER 18, 2002
5:00 P.M.***

***EMERGENCY OPERATIONS CENTER
CONFERENCE ROOM***

AGENDA

1. Call to Order.
2. Roll Call by the Roanoke Arts Commission.
3. Welcome. Mayor Ralph K. Smith.
4. Invocation/Dinner.
5. Introduction of Roanoke Arts Commission Members.
6. Historical Accomplishments of the Arts Commission.
7. Recent Accomplishments/Developments:
 - a. Per Cent for Arts Program.
 - b. Public Arts Plan.
 - c. Agency Funding Advisory Committee.

8. Future of the Arts Commission:

- a. Under Purview of Economic Development Department.
- b. Funding of Public Arts Plan and Per Cent for Arts Program.
- c. Inclusion in Budgeting Process (AFAC).
- d. More Involvement with City Council.

9. Comments by City Council Members:

- a. How will the Arts Commission prepare the envisaged public art supplement to the new Comprehensive Plan (Vision 2002-2020)? Do they have a process and a timetable in mind?
- b. How does the Arts Commission propose to proceed with the probable opportunity to provide an outdoor sculpture at the Civic Center and/or at the new stadium/amphitheatre? What are the steps that will be taken in that regard? What do they envision the role of Council to be in that process?
- c. Has the Arts Commission considered revising the City grant application guidelines for local charitable nonprofit organizations to allow them to request unrestricted operating support to fund core staff and overhead expenses as well as grants restricted to special (e.g., outreach to children) projects?
- d. Does the Arts Commission see an opportunity to provide art of some kind along the new greenway trail system? Does the definition of "art" include landscaping? What do other cities do in this regard?

10. Comments by the Roanoke Arts Commission Members.

11. Comments by the City Manager.

12. Other Business.

THE COUNCIL MEETING WAS DECLARED IN RECESS AND MEMBERS OF COUNCIL RECONVENED IN CLOSED SESSION IN THE COUNCIL'S CONFERENCE ROOM, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***NOVEMBER 18, 2002
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call. (Council Members Wyatt and Dowe were absent.)

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised by RVTN Channel 3 to be replayed on Thursday, November 21, 2002, at 7:00 p.m., and Saturday, November 23, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Public hearing on a request of Western Virginia Foundation for the Arts and Sciences, a Virginia non-stock corporation, that a portion of Shenandoah Avenue, N. E., adjacent to Official Tax Nos. 3013603 and 3013604, be permanently vacated, discontinued and closed. Stephen W. Lemon, Attorney.

Adopted Ordinance No. 36140-111802. (5-0.)

File #514

2. Public hearing on a request of Michael A. Wells that the rear 25 feet x 50 feet portion of Official Tax No. 2761421 be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner; and that the conditions set forth in Ordinance No. 32294-121994 for property located at the corner of Virginia Avenue and Westside Boulevard, N.W., designated as Official Tax No. 2761409, be repealed and replaced with new conditions. Roy V. Creasy, Attorney.

Adopted Ordinance No. 36141 on first reading. (4-1, Council Member Bestpitch voted no.)

File #51

Adopted Ordinance No. 36142-111802 authorizing acceptance of the donation of a parcel of land by Robert E. Zimmerman, located at 351 Salem Avenue, S. W., Official Tax No. 1010106, in an "as is" condition. (5-0)

File #32-68-166

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., concurred in earlier remarks presented by Mr. E. Duane Howard with regard to a memorial for fallen law enforcement officers (agenda item 6.a.3). With regard to enacting budget cuts, she requested that consideration be given to the cost of publishing the City Magazine versus the cost of including a City information insert in The Roanoke Times. She referred to agenda item 6.a.4 which was approved by Council at the 2:00 p.m. session, in regard to the use of competitive negotiation as the method to secure vendors to engage a company to develop City-owned property along Gainsboro Road. She called attention to a past commitment of the City administration that the three Gainsboro neighborhood organizations would be notified as to any actions proposed by the City for the Gainsboro community; however, residents were not aware of the above referenced agenda item. She advised that Gilmer Avenue, N. W., is a narrow street and called attention to the potential of traffic accidents due to large refuse collection vehicles, which also cause traffic to back up while the one-arm bandit empties trash containers. She stated that refuse is not being collected at an acceptable level in northwest Roanoke. She requested information on costs paid by the City for consulting contracts.

File #5-20-66-144-165-178-227-432

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., referred to the action taken by Council earlier in the meeting regarding the property on Gainsboro Road (agenda item 6.a.4). She advised that it was stated that residents of Gainsboro are interested in housing; however, during the Comprehensive Plan meeting, residents of the Gainsboro community emphasized the need for infill housing, as opposed to a new housing complex, to complete the vacant lots throughout the neighborhood. She requested that the Presidents of the three neighborhood organizations in Gainsboro be adequately and timely informed when the real estate developer is selected by the City, and that the real estate developer meet with residents of Gainsboro. She suggested that the Roanoke Neighborhood Development Corporation be contacted to determine its interest in developing the land.

File #66-165-200

Mr. Robert Gravely, 617 Hanover Avenue, N. W., expressed concern with regard to the Gainsboro community, and questioned actions in regard to constructing an \$80,000.00 house in the 1100 block of Gilmer Avenue, N. W., when the average home costs in the range of \$32,000.00 - \$40,000.00. He suggested that the area be placed in a tax bracket so as to fit the needs of the citizens. He called attention to the lack of sidewalks, and advised that the needs of the citizens of the Gainsboro Community should be kept in mind by City planners.

File #57-60-66-79-165-200

Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed appreciation for the Shining Star award which was presented earlier in the meeting to the Roanoke Valley Mopar Club, in connection with fund raising efforts for St. Jude's Hospital. He commended the Members of Council and the City Manager on their accomplishments on behalf of the citizens of the City of Roanoke.

File #80-104-132-221

The Council meeting was declared in recess and Council reconvened in Closed Session.

CERTIFICATION OF CLOSED MEETING. (5-0)

The following persons were reappointed to certain Council-Appointed Committees:

**Roanoke Valley Juvenile
Detention Center Commission**

File #110-305

**Jesse A. Hall and Glenn
D. Radcliffe, for terms
ending June 30, 2006.**

**Regional Policy Board, Alcohol
Safety Action Program**

File #5-110

**A. L. Gaskins for a term
ending June 30, 2004.**

**Roanoke Valley Resource
Authority**

File #15-110-253

**Robert K. Bengtson for
a term ending
December 31, 2006.**